

**UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT  
United States Courthouse  
219 South Dearborn Street  
Chicago, Illinois**

**DOCKETING STATEMENT**

**7CCA Docket No. 21-6064**

**Type of Action: Civil**

Sarina Ervin,	)	
	)	
Petitioner-Appellee,	)	
	)	
v.	)	Civil Action No. : 1:21-cv-06064
	)	
Raymond N. Ervin,	)	Judge Gary Feinerman
	)	
Respondent-Appellant	)	Northern District IL/Eastern
	)	Division
and	)	
	)	
Gwendolyn Barlow,	)	
Third Party Respondent	)	

**Statute or other authority establishing jurisdiction in the:**

District Court: 28 U.S.C. § 1441;  
Court of Appeals: 28 U.S.C. § 1291, 28 U.S.C. § 1443

**Timeliness of Appeal:**

1.	Date of entry of judgment or order appealed from:	<u>12/16/21</u>
2.	Date notice of appeal filed:	<u>12/27/21</u>

**Is the order or judgment appealed from a final decision on the merits?** Yes

**Based on your present knowledge:**

**Will this appeal involve a question of first impression?** No

**If yes, please explain briefly:**

**Is any related case or cases raising related issues pending in this Court, any district court of this circuit, or the Supreme Court?** No

**State the nature of the suit, the relief sought, and the outcome below.**

This is an action brought under 28 U.S.C § 1441 pursuant to 28 U.S.C §§ 1443, 1446(b)(3), and 42 U.S.C § 1983, in an action to remove the matter from the Circuit Court of Lake County, IL. The District Court granted Petitioner's motion to remand ruling that Respondents did not satisfy the objective and reasonable analysis as the basis of the removal due to untimely filing of Notice of Removal and bar of Mack Order. Respondents filed a Motion to Reopen the Case pursuant to FRCP 60 (b). The District Court denied Respondent's motion stating that there were no grounds for correcting the order. Respondents are seeking to have the Order remanding the matter vacated and the removal granted.

**Issues to be raised on appeal.**

Whether the District Court erred when finding that Respondent's Notice of Removal was untimely and that there was no exception to the Mack Order?

Whether the Mootness Doctrine bars Petitioner's claims for Remand?

Whether the actions of the State Court deprived Respondents of their Civil Rights?

**Is settlement being discussed?** No

**Is disposition on motions, memoranda, or abbreviated briefing schedule appropriate?** No, an abbreviated briefing schedule would be a disservice to Respondents.

**Is oral argument necessary?** No

**Were there any in-court proceedings below?** Yes

**Is a transcript necessary for this appeal?** Yes

**If yes, is transcript already on file with the District Court?** No, but it will be ordered.

**List each adverse party to the appeal?** If no attorney, give address and telephone number of the adverse party. Attach additional page if necessary.

Matthew Elster  
Beermann Law  
161 North Clark Street  
Suite 3000  
Chicago, Illinois 60601

**List name(s) and address(es) of appellant(s) who filed this notice of appeal and appellant's counsel.** Attach additional page if necessary.

Appellant name: Raymond N. Ervin and Gwendolyn Barlow

Attorney: Raymond N. Ervin, Pro Se and Gwendolyn Barlow, Pro Se  
331 Springside Lane  
Buffalo Grove, Illinois 60089  
Ph: (847) 404-4375/(847) 204-0416

**Will you be handling the appeal?** (In criminal cases counsel below will handle the appeal unless relieved by this court.) Yes

FRAP 12(b) provides that each attorney who files a notice of appeal must file with the clerk of the court of appeals a statement naming each party represented on appeal by that attorney. Any counsel, other than the attorney filing this form, who filed a notice of appeal must provide the requisite statement to be attached to this form.

Signature: /s/ Raymond N. Ervin  
/s/ Gwendolyn Barlow

Date: December 27, 2021

ATTACHED:

COPY OF THE ORDER OR JUDGMENT FROM WHICH THE APPEAL IS TAKEN.

COPY OF THE ORDER DENYING THE MOTION TO REOPEN THE CASE

CERTIFICATE OF SERVICE FOR THIS DOCKETING STATEMENT.

**CERTIFICATE OR SERVICE**

We hereby certify that on the date set forth below, this Docketing Statement was e-filed through ECF and served on counsel of record.

Dated: December 27, 2021

By: s/Raymond N. Ervin  
s/Gwendolyn M. Barlow

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